IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.4170 OF 2004

Awate Hanmant Khershaba & Ors. ..Petitioners

Vs.

State of Maharashtra & ORs. ..Respondents

Mr.A.M.Joshi, Adv. for Petitioners
Mr.R.M.Patne, A.G.P. for Respondent nos.1 & 2

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 17TH FEBRUARY, 2005.

P.C.

. Rule. Heard forthwith.

. Petitioners belong to category of employees known as Workshop Assistants working in recognised aided Technical Schools. The Respondent State has issued a Government Resolution for the purpose of granting time bound promotional scale. This scheme was to be made applicable to those employees who on account of non-availability of posts or otherwise are not considered for promotion as no promotion is available and the like.

. Respondent no.1 has extended this benefit also to employees in recognised aided schools both teaching and non-teaching. In so far as technical schools are concerned the notification dated 17th January, 2004 purporatedly seeks to cover only a

section of the employees. By order of 22nd February, 1995 the Respondents were called upon to make a statement as to why the said scheme cannot be extended to category of employees like the petitioners herein. Respondents State is bound by the mandate of Article 14 of the Constitution. They cannot exclude a class of employees, unless there is a nexus with the object sought to be achieved. There is nothing on record to indicate as to why the petitioners are treated as a separate class. Their exclusion is arbitrary and the class of employees like the petitioners would also be entitled to be considered for time bound promotion scale.

. Considering the above Respondents State within six months from today are directed to take a policy decision as to whether the time bound promotion scale is to be extended to the class of employees like the Petitioners and in the event it cannot be extended to give reasons as to why it cannot be given and why the Petitioners are to be excluded from the benefit of time bound promotional scale.

. With the above observations petition stands disposed of. No order as to cost.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)